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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,571	06/24/2003	John Ziafras	PD-02-1026	1966

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EXAMINER

KIM, SANG K

ART UNIT PAPER NUMBER

3654

DATE MAILED: 09/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/602,571	ZIAVRAS ET AL.	
	Examiner	Art Unit	
	SANG KIM	3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/24/03</u> . | 6) <input type="checkbox"/> Other: ____ |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 6-15, 16-17 and 21-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Clarke, U.S. Patent No. 3151704.

With respect to claims 1 and 16, Clarke '704 shows a storage spool (20); an output spool (near 14); and a flexible material (24) having a first end (near 25) coupled to the storage spool and a second end (near 54) coupled to the output spool, wherein a length of the flexible material is distributed between windings of the storage spool (20) and the output spool (near 14) to adjust mass properties of an attached structure (the case 10 will have a different center of gravity or anything that the case is attached to, when the flexible material is wound around the storage spool completely or more than the output spool and vice versa), as shown in figures 1-4.

With respect to claims 2 and 17, Clarke '704 shows a direct path between storage spool (20) and the output spool (near 14), as shown in figures 1-4.

With respect to claims 6 and 21, Clarke '704 shows the storage spool (20) is spring loaded to wind the flexible material onto the storage spool, as shown in figures 1-4.

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With respect to claims 7-10 and 22-25, Clarke '704 shows one or more latches (26, 36) to prevent the flexible material (24, a metal ribbon spring/wire) from disengaging the storage spool (20) or the output spool (near 14), as shown in figures 1-4.

With respect to claims 11-15 and 26-30, Clarke '704 shows a gearhead (48) with a motor assembly (not shown, near 46) where a motor would be connected to drive the spindle (14) and when it is not powered up, it allow the flexible material (24) to wind onto the storage spool, as shown in figure 4.

Claims 1-6, 8-10, 16-21 and 23-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Chisholm, U.S. Patent No. 5386884.

With respect to claims 1 and 16, Chisholm '884 shows a storage spool (near 24); an output spool (near 16); and a flexible material (34) having a first end (near 24) coupled to the storage spool and a second end (near 36) coupled to the output spool, wherein a length of the flexible material is distributed between windings of the storage spool (near 24) and the output spool (near 16) to adjust mass properties of an attached structure (the case 238 will have a different center of gravity or anything that the case is attached to, when the flexible material is wound around the storage spool completely or more than the output spool and vice versa), as shown in figures 1-3.

With respect to claims 2 and 17, Chisholm '884 shows a direct path between storage spool (near 24) and the output spool (near 16), as shown in figure 1.

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With respect to claims 3-5 and 18-20, Chisholm '884 shows the flexible material has (34) has an indirect path between storage spool (near 24) and the output spool (near 16), wherein the indirect path is formed by one guide (132), as shown in figure 2.

With respect to claims 6 and 21, Chisholm '884 shows the storage spool (near 24) is spring loaded to wind the flexible material onto the storage spool, as shown in figures 1-3.

With respect to claims 8-10 and 23-25, Chisholm '884 shows the flexible material (34) is a metal spring ribbon/wire, as shown in figures 1-3.

Claims 1, 3-5, 16 and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Nettles, U.S. Patent No. 3175780.

With respect to claims 1 and 16, Nettles '780 shows a storage spool (near 19); an output spool (near 29); and a flexible material (30) having a first end (near 19) coupled to the storage spool and a second end (near 29) coupled to the output spool, wherein a length of the flexible material is distributed between windings of the storage spool (near 19) and the output spool (near 29) to adjust mass properties of an attached structure (the plate 12 will have a different center of gravity or anything that the case is attached to, when the flexible material is wound around the storage spool completely or more than the output spool and vice versa), as shown in figures 1-7.

With respect to claims 3-5 and 18-20, Nettles '780 shows the flexible material has (30) has an indirect path between storage spool (near 19) and the output spool

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(near 29), wherein the indirect path is formed by one guide (14), as shown in figures 1-7.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sang Kim whose telephone number is (703) 305-3712. The examiner can normally be reached Monday through Friday from 8:00 A.M. to 5:30 P.M. alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (703) 308-2688. The fax phone numbers are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

SK

9/21/04


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